

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERTA LINDENBAUM, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

**ENERGY SERVICES PROVIDERS,
INC. d/b/a Ohio Gas & Electric,
et al.**

Defendants.

Case No.: 1:21-cv-764-PAB

Judge Pamela A. Barker

**REPORT OF THE PARTIES' PLANNING MEETING UNDER RULE 26(F) OF THE
FEDERAL RULES OF CIVIL PROCEDURE**

1. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.3(b) and 23.1, a meeting was held on May 24, 2021, and was attended by:

Adam Savett, Counsel for Plaintiff Roberta Lindenbaum and the putative class.

Lisa Messner, Counsel for Defendant Energy Services Providers, Inc.

2. The parties:

Will exchange disclosures required by Rule 26(a) on or before June 7, 2021.

3. The parties recommend the following track:

_____Expedited _____Standard X Complex
_____Mass Tort

4. This case is suitable for one or more of the following Alternative
Dispute Resolution mechanisms:

_____Early Neutral Evaluation X Mediation _____Arbitration

_____ Summary Jury Trial

_____ Summary Bench Trial

_____ Case not suitable for ADR

5. Recommended cut-off date for amending the pleadings (including proposed class definition) and/or adding additional parties: September 24, 2021.

6. The parties do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

7. Electronically Stored Information. The Parties: (indicate one):

_____ agree that there will be no discovery of electronically-stored information; or

_____ have agreed to a method for conducting discovery of electronically-stored information; or

X have agreed to follow the default standard for discovery of electronically-stored information (Appendix K to Northern District of Ohio Local Rules).

8. Recommended Case Management Plan:

☐ Discovery relevant to appropriateness of certification of the proposed

class be completed by: January 24, 2022, including:

plaintiff(s)' depositions by: January 10, 2022.

defendant(s)' 30(b) depositions by: January 10, 2022.

plaintiff(s)' expert reports by: January 7, 2022.

defendant(s)' expert reports by: January 7, 2022.

expert depositions by: January 17, 2022.

☐ Plaintiff's motion for class certification to be filed by February 9, 2022.

☐ Defendant's opposition to motion for class certification to be filed by:
March 9, 2022.

9. All other non-expert discovery to be completed by: January 24, 2022.
10. All other expert discovery to be completed by: January 17, 2022.
Expert report(s) by party initially seeking to introduce expert
testimony recommended due date: January 7, 2022.
Responsive expert report(s) due date: January 7, 2022.
11. Recommended dispositive motion date, if any: January 24, 2022.
12. Recommended date for a Status Hearing: 60-90 days or as determined by the
Court.
13. Recommended date for Settlement Conference: 90-120 days or as determined by
the Court.
14. Other matters for the attention of the Court:

Defendant reserves the right to seek leave of Court to move for summary judgment in an
expedited manner. Plaintiff reserves the right to oppose the same.

Respectfully submitted:

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*COUNSEL FOR PLAINTIFF AND THE
PUTATIVE CLASS*

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*COUNSEL FOR DEFENDANT,
ENERGY SERVICES PROVIDERS, Inc.,
d/b/a OHIO GAS & ELECTRIC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on May 27, 2021, a true and accurate copy of the foregoing was filed using the court's ECF/CM system, which will send electronic notice to all counsel of record.

Respectfully submitted:

/s/ Lisa A. Messner
*COUNSEL FOR DEFENDANT,
ENERGY SERVICES PROVIDERS, Inc.,
d/b/a OHIO GAS & ELECTRIC*